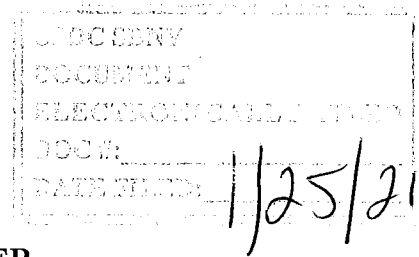


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
TERRI SIMMONS,  
Plaintiff,

v.

CITY OF MOUNT VERNON; COUNTY OF  
PUTNAM; NICOLE MURPHY; in her official  
and individual capacities; PENNY BECKMAN,  
in her official and individual capacities;  
PUTNAM/NORTHERN WESTCHESTER  
BOARD OF COOPERATIVE EDUCATIONAL  
SERVICES; and MOUNT VERNON CITY  
SCHOOL DISTRICT;  
Defendants.  
-----X**ORDER**

19 CV 10388 (VB)

Copies Mailed/Faxed  
Chambers of Vincent L. Briccetti  
ESD  
1-25-21  
AA

On September 9, 2020, the Court issued an Opinion and Order granting defendants' motion to dismiss plaintiff's complaint, and mailed to plaintiff, who is proceeding pro se and in forma pauperis, a copy of the Opinion and Order. (Doc. #30).

On December 9, 2020, the Court received a letter from Annette M. Totten, Esq., stating that she had been retained to file an amended complaint on behalf of plaintiff and requesting an extension of time to do so. (Doc. #32 at ECF 2-3).<sup>1</sup> Because the Court typically does not consider applications or requests from counsel who have not entered a notice of appearance on behalf of a party in a case, the Court did not expressly grant the request in Ms. Totten's letter. Nevertheless, in light of plaintiff's pro se status, the Court sua sponte extended plaintiff's time to file an amended complaint to January 8, 2021.

To date, plaintiff has failed to file an amended complaint and Ms. Totten has not entered a notice of appearance on behalf of plaintiff.

Accordingly, it is HEREBY ORDERED:

The Court sua sponte extends to **February 26, 2021**, plaintiff's time to file an amended complaint, either pro se or through counsel. **This is the final extension. If plaintiff fails to file an amended complaint, or seek additional time to do so, by February 26, 2021, the Court will deem plaintiff to have abandoned this case and enter judgment dismissing same.**

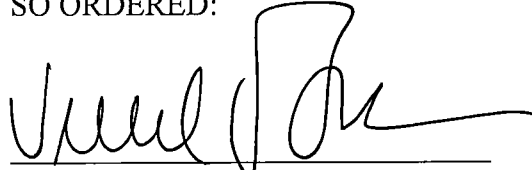
The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

<sup>1</sup> "ECF \_\_\_\_" refers to page numbers automatically assigned by the Court's Electronic Case Filing System.

Chambers will mail a copy of this Order to plaintiff at the address on the docket, as well as to Ms. Totten.

Dated: January 25, 2021  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti  
United States District Judge